

SENTENCE REVIEW DIVISION OF THE SUPREME COURT OF MONTANA
Montana Twentieth Judicial District Court, County of Lake

STATE OF MONTANA,)	
)	
Plaintiff,)	
)	CAUSE NO. DC-17-018
-vs-)	
)	DECISION
JOSHUAH DAVID GOWEN,)	
)	
Defendant.)	

On September 6, 2017, the District Court sentenced the Defendant to four (4) years, no time suspended, to the Montana State Prison, for the offense of Count 2: Partner or Family Member Assault, 3rd or Subsequent Offense. For the offense of Count 3: Burglary, the District Court sentenced the Defendant to three (3) years, no time suspended, to the Montana State Prison. The sentences were ordered to run consecutively to each other and consecutive to DC-16-201. The Court recommended Nexus, Anger Management, and Cognitive Principles and Restructuring programs. The Court ordered the Defendant not be considered for parole until he served five years total in his consecutive sentences. Defendant was granted credit for 244 days of time served.

On February 22, 2018, Defendant's Application for review of that sentence was heard by the Sentence Review Division of the Montana Supreme Court (hereafter "the Division"). Defendant appeared by videoconferencing from the Crossroads Correctional Center and was represented by Brent Getty of the Office of the State Public Defender. The State was not represented.

Before hearing the Application, Defendant was advised that the Division has the authority not only to reduce the sentence or affirm it, but also increase it. Defendant was further advised that there is no appeal from a decision of the Division. Defendant acknowledged that he understood this and stated that he wished to proceed.

Rule 12, Rules of the Sentence Review Division of the Supreme Court of Montana, provides that, "The sentence imposed by the District Court is presumed correct. The sentence shall not be reduced or increased unless it is clearly inadequate or clearly excessive." (Section 46-18-904(3), MCA).

The Division finds that the reasons advanced for modification are insufficient to hold that the sentence imposed by the District Court is clearly inadequate or clearly excessive.

Therefore, it is the unanimous decision of the Division that the sentence is **AFFIRMED**.

Done in open Court this 22nd day of February, 2018.

DATED this 9th day of March, 2018.

SENTENCE REVIEW DIVISION

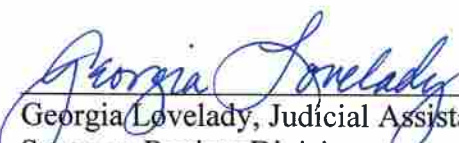

Hon. Kathy Seeley, Chairperson


Hon. Brenda Gilbert, Member


Hon. Dan Wilson, Member

Copies mailed this 13th day
of March, 2018, to:

Clerk of District Court (Original)
Joshuah David Gowen #2061610, Defendant (2)
Hon. James A. Manley
Brent Getty, Defense Counsel
Benjamin Anciaux, Esq.
Board of Pardons and Parole
MSP - Records Dept.


Georgia Lovelady, Judicial Assistant
Sentence Review Division